

# **Evergreen Development Policy**

**Approved by the City Council of San José**

**July 2, 1991**

**Revised April 27, 1993**

**Revised November 29, 1994**

**Revised May 9, 1995**

**Prepared by the City of San José**

**Department of Planning, Building and  
Code Enforcement  
and  
Department of Public Works**

## Background

The original 1976 *Evergreen Development Policy* (EDP) was adopted in August of 1976 to address the issues of flood protection and traffic capacity in the Evergreen. The EDP was based on City analyses done in 1974 and 1975 which concluded that transportation and flood protection deficiencies constituted substantial constraints to development in Evergreen. The 1976 EDP established the policy framework for dealing with the buildout of Evergreen and identified specific programs for correcting the service deficiencies.

Since 1975, growth in the Evergreen area has been controlled by the availability of urban services, particularly the capacities of the transportation and flood control systems. The 1976 *Evergreen Development Policy* has ensured that the total number of existing dwelling units, plus those which have zoning, tentative map, or site development approval, would be regulated to maintain an average Level of Service "D" capacity for the screenline intersections bounding the area.

### Flood Protection

The 1976 *Evergreen Development Policy* established protection from the 100-year flood as the standard condition for development approval. It identified Thompson-Silver Creek as the major drainage facility for most of Evergreen and was able to specify a schedule and source of funding for some but not all of the Thompson-Silver Creek improvements. All of the tributary watersheds with the exception of Norwood Creek, were also in need of full improvements.

Over the years, development was allowed to proceed only if the 100-year flood protection was in place for each project and downstream of each project. As a result of developer contributions, the flood control system is substantially complete. The exceptions are the upstream portions of the Quimby and Fowler Creek watersheds where development has not yet occurred. Policies for achieving those improvements as related development occurs, however, are now firmly established and routine. Continuation of the present system will result in full 100-year flood protection for Evergreen.

### Transportation Capacity

The 1976 *Evergreen Development Policy* identified each of the street improvements required to complete the planned system, partial funding sources, a tentative construction schedule and the number of dwelling units that each phase of the street work could accommodate. The 1976 EDP policies applied to screenline traffic conditions and perimeter intersections, only, for traffic entering or departing the Evergreen area. Traffic impacts internal to the Evergreen area have been addressed on a project by project basis during the environmental review and zoning process, at which time impacts and required mitigation measures, if any, were identified.

The 1976 *Evergreen Development Policy* also suggested an annual traffic monitoring program to measure actual levels of service as the basis for adjusting the flow of development approvals. Each annual monitoring report would specify the number of dwelling unit approvals, if any, to be released based primarily on capacity expected from new road construction. Changes in driving behavior, e.g., fewer miles traveled or greater driving efficiency, could also result in new traffic capacity.

The last annual monitoring report was published in March of 1990 and resulted in City Council approval of 830 units in Evergreen. The 830 units represented the maximum theoretical number of units which could be built while maintaining minimum average LOS D at the six screenline intersections, given completion of the planned street system. This allocation authorized the last dwelling units for which street capacity was existing or planned. At that time, Evergreen contained approximately 1316 vacant acres which were planned for, or had potential for, residential development but for which there was not a known source of traffic capacity.

The growing interest of several property owners in developing portions of the last large aggregate of vacant lands in Evergreen resulted in the 1989 General Plan approval of the Evergreen Planned Residential Community (EPRC) (Exhibit A). The EPRC consists of 865± acres and is bounded generally by Ruby Avenue and White Road on the west, Quimby Road on the north, Evergreen Creek on the south and the foothills to the east. The EPRC designated this area for the development of approximately 2,800 dwelling units plus some supportive commercial uses, but precluded any development approvals pending the preparation of a Specific Plan and the identification of traffic capacity consistent with the basic intent of the 1976 *Evergreen Development Policy*.

During much of 1990 and early 1991, traffic consultants worked in conjunction with the preparation of the Evergreen Specific Plan (ESP) to quantify the amount of traffic capacity required to allow full development of those remaining 1,316± acres (Including the 865± EPRC/ESP acres) in Evergreen, and to identify any potential street improvements which could provide the required capacity while maintaining an LOS D at each screenline intersection. The *Evergreen Development Policy*, as revised in July of 1991, was the culmination of that work.

## **Purpose Of The 1995 Revised Evergreen Development Policy**

The purpose of the 1995 *Revised Evergreen Development Policy* is to provide the policy framework for the buildout of Evergreen. The basic tenets of the original 1976 and 1991 Revised EDP have been preserved. Traffic LOS D and hundred year flood protection remain prerequisites to project approvals. The 1995 Revised EDP identifies the remaining watersheds to be improved and also the street system improvements required to allow up to 4,620 planned or potential dwelling units to proceed. This Policy is intended to apply to all properties planned for development in the Evergreen Development Policy Area, defined as land within San José's Urban Service Area Boundary, south of Story Road and east of U.S. Highway 101.

## Development Policies

### A. Flood Protection Policies

Any development within the *Evergreen Development Policy Area* is subject to the following flood protection requirements:

1. Development will be allowed only if it is protected from the 100-year flood.
2. Development will be allowed only if it would not divert flood or overland flows onto or cause flooding on other properties.
3. Flood control improvements required within the *Evergreen Development Policy Area* have been completed with the exception of the Quimby and Fowler Creek watersheds. Development within these watersheds must be consistent with Policies 1 and 2.

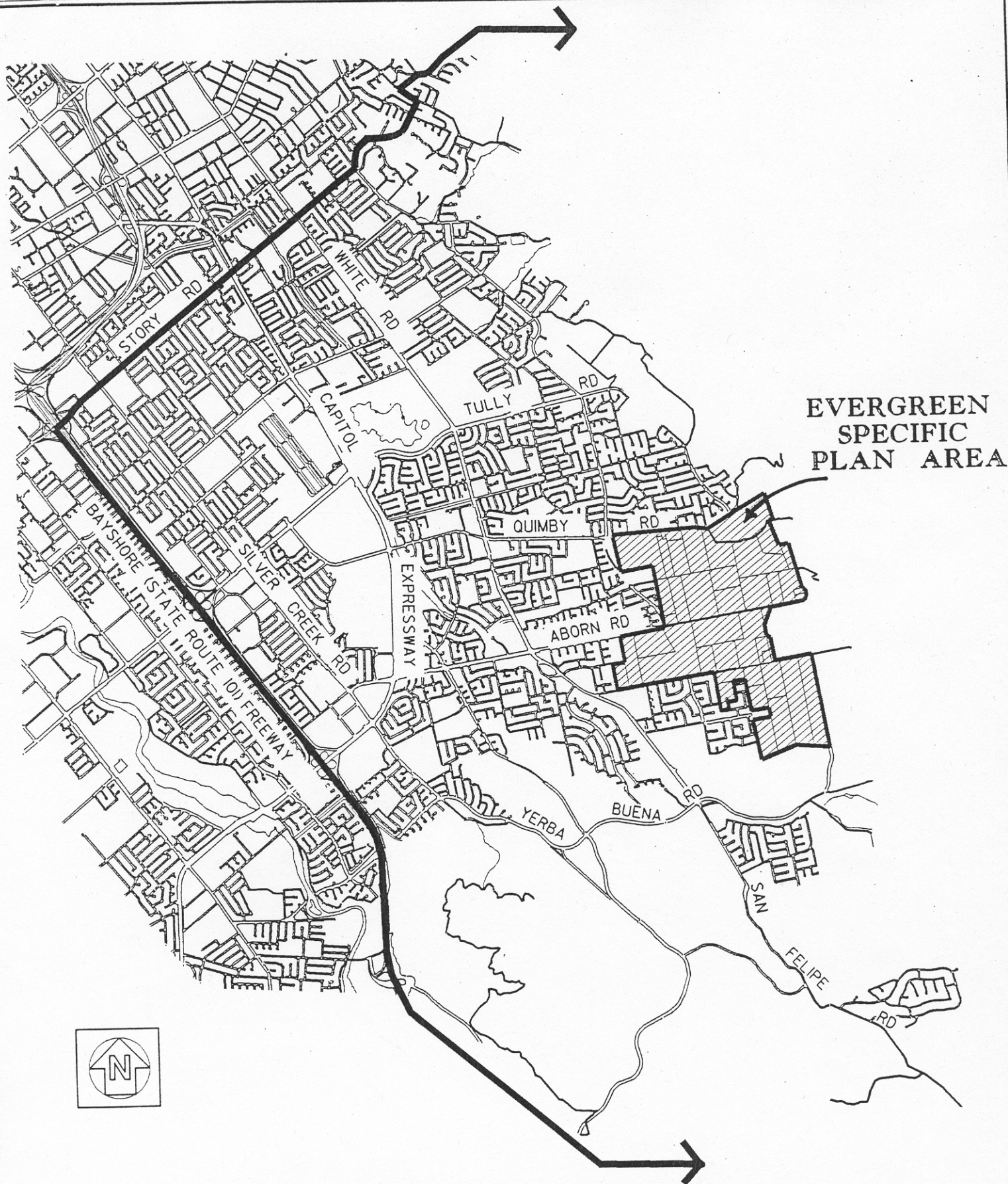
### B. Transportation Capacity Policies

Development shall be allowed in the *Evergreen Development Policy Area* only if adequate transportation facilities are provided to maintain existing plus approved Level of Service throughout the area.

1. Residential development potential within the *Evergreen Development Policy Area* is 4,620 based on the San José 2020 General Plan as approved in December of 1994. The traffic capacity improvements identified in Items #2 and #3 of this Policy will accommodate this potential.
2. The regional mitigation measures for roadway and intersection improvements included in the City of San José Engineer's Report for the Benefit Assessment District No. 91-209S, which report is on file with the City Clerk and is incorporated herein by reference, are required to accommodate the buildout of the EDP Area.
3. Local mitigation measures, such as those improvements included in the City of San José Engineer's Report for the Benefit Assessment District No. 91-209S, have also been identified as necessary to accommodate the buildout of the EDP Area.
4. Occupancy of any of the 4,620 units, except those listed in numbers 6 and 7, cannot precede the completion of all necessary regional improvements as identified in Item #2 of this Policy by more than one year. Local improvements will be phased as required by the traffic analysis for individual development proposals.
5. Occupancy of 1840 residential units, in addition to the 140 units with traffic capacity approved under the previous allocation system, within the *Evergreen Specific Plan Area*, may precede the completion of all necessary regional improvements identified in Item #2 of this Policy provided that the widening of Capitol Expressway from U.S. Highway 101 to Quimby Road, Capitol Avenue intersection improvements, a northbound auxiliary lane on U.S. Highway 101, widening of Quimby Road and widening of Aborn Road are within one year of completion.

6. Occupancy of small projects, defined as those consisting of 15 units or less to a maximum of 100 units on sites which are being fully developed and are not part of a larger parcel or area of single ownership, may precede the completion of all necessary regional improvements identified in Item #2 provided that the widening of Capitol Expressway from U.S. Highway 101 to Quimby Road, Capitol Avenue intersection improvements, a northbound auxiliary lane on U.S. Highway 101, widening of Quimby Road and widening of Aborn Road are within one year of completion.
7. The City of San José may approve additional detailed staging programs which allow the further incremental buildout of the EDP Area based on the completion of specific regional improvements as identified in Item #2 of this Policy, provided that the staged buildout does not exceed the additional capacity created by the staged improvements. If the City approves an additional staging program, detailed phasing programs could continue to maintain an average Level of Service "D" capacity, as an interim measure, for the affected EDP screenline intersections provided that the completion of the final phase of transportation improvements maintain the existing plus approved Level of Service (LOS) throughout the EDP Area.
8. The methodology and procedures for traffic analysis shall be as adopted by the City Council in Ordinance \_\_\_\_\_ for the Evergreen Development Policy Area.

EDPCHGRV.POL.CAP:PL/HD (5-8-95)



# THE GREATER EVERGREEN AREA

(SOUTH OF STORY ROAD AND EAST OF U.S. 101)

ORDINANCE NO 24899

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN JOSE ESTABLISHING THE PROCEDURES AND  
METHODOLOGY FOR TRANSPORTATION ANALYSIS IN  
THE EVERGREEN DEVELOPMENT POLICY AREA

WHEREAS, San Jose's General Plan provides that capital and facility needs generated by new development should be financed by new development; and

WHEREAS, the General Plan allows for the adoption of Area Development Policies to establish specific level of service standards for specific geographic areas which determines development impacts and mitigations; and

WHEREAS, the Evergreen Specific Plan was developed and adopted to deal with the extraordinary transportation improvements needed to serve the Evergreen area; and

WHEREAS, in conjunction with the adoption of the Evergreen Specific Plan, the City Council adopted the Evergreen Development Policy; and

WHEREAS, Benefit Assessment District No. 91-209SJ (Aborn-Murillo) is being formed to fund and construct over 9.5 million dollars of transportation improvements which will allow 4759 residential units to be constructed; and

WHEREAS, specific properties are being assessed for each of these units; and

WHEREAS, the City Council desires to insure that the traffic analysis process insures that properties that are assessed for the transportation improvements are able to benefit from the improvements; and

**WHEREAS**, the City Council determines that it is necessary to establish the methodology and procedures for traffic analysis in the Evergreen Development Policy Area.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** The Level of Service analysis of transportation capacity within the Evergreen Development Policy Area, as defined in Section 2 of this Ordinance, shall be subject to the following methodology and procedures:

- A. The trips generated from the 4759 dwelling units identified on a parcel by parcel basis in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be presumed to be approved trips whether or not there is an approved zoning or permit(s) on the parcel. These approved trips shall be for the exclusive use of properties participating in the District. This presumption is for the purpose of transportation analysis only and does not represent a right to development any units on the site.
- B. The transportation improvements identified in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be treated as programmed improvements for analytical purposes.
- C. Use of the approved trips by individual properties participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be "allocated" based on the residential dwelling unit yield, set forth in the Engineer's Report for the District, for that particular parcel. Any development proposal which seeks to increase the residential dwelling unit yield on a participating property shall mitigate the impacts of those additional units based on a traffic analysis which adds those additional units to the approved trips for the Evergreen Development Policy Area.



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- D. Any residential development proposals for properties not participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- E. Any non-residential proposals shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- F. All projects in the Evergreen Development Policy Area, subject to a planning permit, shall prepare a traffic analysis.
- G. If planning permits are issued which result in less than the number of trips assumed generated from the development of the property, those trips shall no longer be presumed to be approved trips for the purpose of traffic analysis.
- H. An "impact" requiring mitigation, for the purposes of an Evergreen Development Policy Area traffic analysis, shall be:
1. An increase in traffic which causes a Level of Service designation to change; or
  2. The addition of any traffic to an intersection operating at Level of Service E or F.

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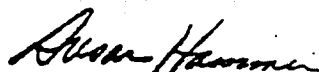
SECTION 2. The "Evergreen Development Policy Area" is defined as all properties within San Jose's Urban Service Area Boundary, south of Story Road and east of Highway 101.

PASSED FOR PUBLICATION OF TITLE this 9th day of May, 1995, by the following vote:

AYES: DANDO, DIAZ, DIQUILSTO, FERNANDES, FISCALINI, JOHNSON,  
PANDORI, POWERS, SHIRAKAWA, WOODY; HAMMER

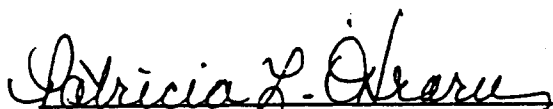
NOES: NONE

ABSENT: NONE



SUSAN HAMMER, Mayor

ATTEST:



PATRICIA L. O'HEARN, City Clerk

**ORDINANCE NO 25658**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN JOSE ESTABLISHING THE PROCEDURES AND  
METHODOLOGY FOR TRANSPORTATION ANALYSIS IN  
THE EVERGREEN DEVELOPMENT POLICY AREA**

**WHEREAS**, San Jose's General Plan provides that capital and facility needs generated by new development should be financed by new development; and

**WHEREAS**, the General Plan allows for the adoption of Area Development Policies to establish specific level of service standards for specific geographic areas which determines development impacts and mitigations; and

**WHEREAS**, the Evergreen Specific Plan was developed and adopted to deal with the extraordinary transportation improvements needed to serve the Evergreen area; and

**WHEREAS**, in conjunction with the adoption of the Evergreen Specific Plan, the City Council adopted the Evergreen Development Policy; and

**WHEREAS**, Benefit Assessment District No. 91-209SJ (Aborn-Murillo) was formed to fund and construct over 9.5 million dollars of transportation improvements which will allow 4759 residential units to be constructed; and

**WHEREAS**, specific properties are being assessed for each of these units; and

**WHEREAS**, the City Council desires to insure that the traffic analysis process insures that properties that are assessed for the transportation improvements are able to benefit from the improvements; and

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(corrected)

**WHEREAS**, the City Council determines that it is necessary to modify the established methodology and procedures for traffic analysis in the Evergreen Development Policy Area; and

**WHEREAS**, this Ordinance was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act (CEQA) as amended and found complete by the Planning Commission on July 2, 1991.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** The Level of Service analysis of transportation capacity within the Evergreen Development Policy Area, as defined in Section 2 of this Ordinance, shall be subject to the following methodology and procedures:

- A. The trips generated from the 4759 dwelling units identified on a parcel by parcel basis in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be presumed to be approved trips whether or not there is an approved zoning or permit(s) on the parcel. These approved trips shall be for the exclusive use of properties participating in the District. This presumption is for the purpose of transportation analysis only and does not represent a right to development any units on the site.
- B. The transportation improvements identified in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be treated as programmed improvements for analytical purposes.
- C. Use of the approved trips by individual properties participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be "allocated" based on the residential dwelling unit yield, set forth in the Engineer's Report for the District, for that particular

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(corrected)

parcel. Any development proposal which seeks to increase the residential dwelling unit yield on a participating property shall mitigate the impacts of those additional units based on a traffic analysis which adds those additional units to the approved trips for the Evergreen Development Policy Area.

- D. Any residential development proposals for properties not participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- E. Any non-residential proposals shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- F. All projects in the Evergreen Development Policy Area, subject to a planning permit, shall prepare a traffic analysis.
- G. If planning permits are issued which result in less than the number of trips assumed generated from the development of the property, those trips shall no longer be presumed to be approved trips for the purpose of traffic analysis.
- H. An "impact" requiring mitigation, for the purposes of an Evergreen Development Policy Area traffic analysis, shall be:
  - 1. An increase in traffic which causes a Level of Service designation to change; or
  - 2.
    - a. Residential projects: The addition of any traffic in an intersection operating at level of service E or F.

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(corrected)

- b. Non-residential projects: The addition of more than a one-half percent (1/2 %) increase in critical traffic movement in an intersection operating at Level of Service E or F.

SECTION 2. The "Evergreen Development Policy Area" is defined as all properties south of Story Road and east of Highway 101, excepting those properties south of the intersection of Highway 101 and Hellyer Avenue that are within San Jose's Urban Service Area Boundary as it existed on August 1, 1998.

PASSED FOR PUBLICATION OF TITLE this 18th day of August, 1998, by the following vote:

AYES: DANDO, DIAZ, DIQUISTO, FERNANDES, FISCALINI, JOHNSON,  
PANDORI, POWERS, SHIRAKAWA, WOODY; HAMMER

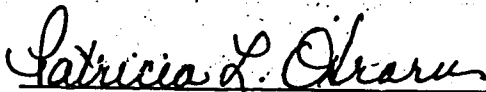
NOES: NONE

ABSENT: NONE



SUSAN HAMMER, Mayor

ATTEST:



PATRICIA L. O'HEARN, City Clerk

# CITY OF SAN JOSE MEMORANDUM

TO: HONORABLE MAYOR  
AND CITY COUNCIL

FROM: James R. Derryberry

SUBJECT: EVERGREEN DEVELOPMENT  
POLICY ORDINANCE--MINOR  
MODIFICATION

DATE: July 30, 1998

APPROVED: Darrell Quabon

DATE: 7-31-98

Council District: 8

## RECOMMENDATION

Staff recommends that a minor adjustment be made to the Evergreen Development Policy Ordinance to refine the traffic analysis methodology contained in the Ordinance in order to facilitate small scale non-residential development.

## BACKGROUND

The original Evergreen Development Policy (EDP) was adopted in 1976 to address flood protection and traffic capacity issues in Evergreen. Development in Evergreen has been controlled by the availability of urban services since 1976 and the policy has ensured that development has been regulated to maintain average Level of Service "D" for transportation facilities in the area. In 1995, the EDP was revised to identify the street system improvements required to allow the 4,620 planned and potential dwelling units identified in the San Jose 2020 General Plan to proceed. An Ordinance (No. 18319) was also prepared to establish a methodology and procedures for the traffic analysis which would be required to demonstrate available capacity for dwelling units or non-residential development not already approved and accounted for.

## TRAFFIC ANALYSIS METHODOLOGY

The EDP Ordinance establishes that all residential projects not participating in the Evergreen and Silver Creek Assessment Districts, and any non-residential proposals, shall be responsible for mitigating any traffic impacts they create. These projects must prepare a traffic analysis to identify the traffic impacts, currently defined as 1) an increase in traffic which causes a Level of Service designation to change; or 2) the addition of ANY traffic to an intersection operating a Level of Service E or F. At the time the EDP Ordinance was approved, there had not been detailed analysis about the potential traffic impacts for small scale, non-residential development, and the conservative approach of defining "any" traffic, that is one trip, through an LOS E or F intersection was adopted. Staff in the Public Works Department has since performed additional transportation analysis in Evergreen to focus on the potential to facilitate some amount of non-residential development in Evergreen to serve area residents. The studies have concluded that

HONORABLE MAYOR AND CITY COUNCIL

RE: EDP ORDINANCE

July 30, 1998

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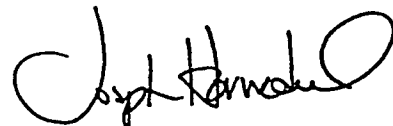
less than one-half percent increase in traffic from non-residential development at these intersections has an insignificant impact.

Long-term analysis using the City's TRANPLAN computer model has shown a substantial benefit from the development of the non-residential properties in Evergreen by promoting the "internalization" of traffic in the area. However, under the existing EDP Ordinance, no non-residential development is permitted that would have an impact of even one trip on facilities with LOS E or F. Therefore, most Evergreen residents must currently leave the area to find other essential services adding to the prevailing peak direction traffic.

The recent focused study by Public Works identifies a minimal overall impact from allowing a small increment of additional traffic from aggregated non-residential development on LOS E and LOS F intersections. Therefore, revisions to the Ordinance methodology to allow up to one-half percent increase in the critical movement on LOS E and LOS F intersections would not undermine the intent of the Evergreen Development Policy. Impacts of one-half percent or greater, or any impact that reduces the Level of Service designation, would still require mitigation by the project.

### CONCLUSION

This memorandum has been coordinated with the City Attorney's Office and the Department of Public Works.

  
James R. Derryberry, Director  
Planning, Building and Code Enforcement